

COMMUNICATIONS ACT AMENDMENTS IMPLEMENTING SAFETY OF LIFE AT SEA CONVENTION

JUNE 11, 1954.—Ordered to be printed

Mr. POTTER, from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

[To accompany S. 2453]

The Committee on Interstate and Foreign Commerce to whom was referred the bill (S. 2453) to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio operators on board ship, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

GENERAL STATEMENT

This legislation is designed primarily to bring the provisions of the Communications Act of 1934, as amended, in line with those radio provisions embodied in the regulations annexed to the Safety at Sea Convention (London, 1948) which was ratified by the Senate on April 20, 1949, and came into force on November 19, 1952.

The bill would further promote safety of life and property at sea by continuing to require radio installations, radio direction finders, and qualified radio operators on vessels presently covered by part II of title III of the Communications Act and would extend the applicability of that part of the act to certain additional classes of oceangoing vessels and to certain additional lifeboat radio installations. Moreover, the present administrative provisions of the act applicable to the issuance of Safety Convention certificates to ships would be amended so as to permit the Federal Communications Commission in lieu of the Commandant of the Coast Guard to issue certain classes of certificates concerning radio matters exclusively.

Over the years, in order to increase safety at sea, various steps have been taken with respect to legislation and treaties having to do with compulsory equipping of United States ships with radio. The first

domestic merchant marine legislation along this line was passed in 1910 and amended in 1912. Generally speaking, it required certain steamers carrying 50 or more persons and plying between ports over 200 miles apart to carry radio apparatus and radio operators. In 1929, an International Safety of Life at Sea Conference was held in London at which time a compulsory ship radio formula was developed covering certain classes of ships engaged on international voyages, i. e., all passenger ships of any size and all cargo ships of 1,600 gross tons and over. Essentially that convention imposed upon such vessels five fundamental radio requirements concerning (1) radiotelegraph transmitters, (2) radiotelegraph receivers, (3) radio operators and watchers, (4) radio listening watches, and (5) automatic distress alarms. Additionally, radio direction finders were required on the larger passenger vessels and general requirements were set up for radio installations provided in motor lifeboats. The convention was ratified by the United States in 1936, and in 1937 the Congress amended the Communications Act (mainly the addition of pt. II to title III) so as to implement the provisions of the convention. This amendment also went beyond the radio provisions of the convention by applying higher technical radio standards to United States vessels and to foreign ships of nonconvention countries when departing from ports of the United States for a voyage in the open sea, regardless of whether such voyage was international or not. In consequence, the new legislation covered vessels on coastwise domestic voyages as well as those engaged on international voyages.

The objective of the legislation at that time was to bring our national marine radio safety requirements to standards no less than those provided by the 1929 Safety Convention and to put the entire ocean-going American merchant marine (except cargo ships of less than 1,600 gross tons) on an equal basis with regard to radio equipment, radio operators, and listening watches. The next change in the field of marine radio safety came when the International Safety of Life at Sea Conference was held in London in 1948. This conference was similar to the one held in 1929 and resulted in the adoption of the 1948 International Safety of Life at Sea Convention. This convention was agreed to by the United States, ratified by the Senate, proclaimed by the President on September 15, 1952, and became effective November 19, 1952.

The amendments contained in this bill (S. 2453) are similarly designed to raise ship radio safety requirements for United States ships on domestic ocean voyages and for foreign nonconvention ships departing from United States ports by bringing them in line with those now specifically internationalized by the 1948 Safety of Life at Sea Convention. The principal effect of the legislation would be to insure that vessels engaged in domestic ocean voyages would comply with safety radio requirements no less effective than those applicable to ships engaged in international voyages.

The committee heard detailed testimony from Commissioner E. M. Webster of the Federal Communications Commission, who has had long and close contact with marine radio legislation, representatives of the American Merchant Marine Institute, and the Conference of American Maritime Unions, representing the American Radio Association. Both prior to and subsequent to the hearings, conferences were held with the Federal Communications Commission, repre-

sentatives of the ship unions, labor, and others in order to give the fullest consideration to all subjects. A number of amendments proposed in the hearings and at such conferences have been incorporated in the measure herewith reported.

While most of the amendments are of a minor nature, the committee desires to call attention to one amendment—namely, the amendment to subsection 352 (b) which was contained in the measure as first introduced and has now been eliminated and a new subsection (c) to section 352 added. Subsection (c) reads as follows:

If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: *Provided*, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied.

All parties who appeared before the subcommittee and discussed this subject at the various conferences agreed that administrative flexibility was essential for the efficient operation of the Federal Communications Commission in granting certain types of exemptions now provided by section 352 of the act. The committee feels that the addition of subsection (c) as set forth in this bill would increase the administrative flexibility for the Federal Communications Commission by permitting consideration for exemptions despite the normal mileage limitations of section 352 (b) in cases where unexpected failures might impose inequitable hardships on vessels subject to title III, part II of the act. By adding subsection (c), the committee is of the opinion that the Federal Communications Commission will achieve substantially the same results without the necessity of eliminating completely the mileage criteria now included in section 352 (b).

Another amendment resulted from a letter dated July 10, 1953, sent by the Federal Communications Commission to the committee, indicating that its original request to incorporate a proposal to amend section 353 (b) of the act with respect to the waiver of the existing requirements that operators on certain cargo vessels have 6 months' previous experience was not related to the Safety of Life at Sea Convention, and therefore not essential to be included in this bill, S. 2453. It was suggested by the Commission, and agreed to by all interested parties, that such a provision should be the subject of separate legislation in order to avoid any possible confusion with the proposals relating to the safety convention, the purpose of which necessarily differs from the proposed amendments to the Communications Act as embodied in this bill (S. 2453).

PURPOSE OF THE BILL

The primary objective of the bill is to further promote safety of life and property at sea by extending the latest and more comprehensive international requirements (Safety Convention, London, 1948) for shipboard radio installations, qualified operators, and radio direction finders to oceangoing vessels sailing from United States ports, which at present are exempt from these requirements solely because they do not engage in international voyages or because they belong to a foreign country which is not a party to the Safety Convention.

The new international radio requirements are more comprehensive under the 1948 Safety Convention as compared to the superseded

1929 convention in that they apply additionally to cargo ships from 500 to 1,600 gross tons and make compulsory the provision of radio direction finders additionally on passenger ships below 5,000 gross tons down to 1,600 gross tons and on all cargo ships of 1,600 gross tons and above. With respect to the prescribed radio installation for cargo vessels from 500 to 1,600 gross tons, the ship may elect to provide either a radiotelegraph or a radiotelephone installation which complies with the designated technical conditions.

Although the bill contains certain provisions relative to shipboard radio operators, it would not increase the number of qualified operators over the number required under the formula established by the amendment to the Communications Act in 1937. It would provide, however, that any qualified operator carried aboard a radiotelephone-equipped cargo vessel (500 to 1,600 gross tons) may be a member of the crew holding only a certificate for radiotelephony.

Your committee is of the opinion that the enactment of S. 2453 is another major step forward in the evolution of legislation promoting safety of life and property through the use of wire and radio communications. It believes that the legislation would be of great value to the general public required to use vessels for one reason or another.

The comments of the Federal Communications Commission, the United States Coast Guard, Department of Commerce, Department of Justice, Department of the Navy, and Department of the Treasury are set out below.

THE SECRETARY OF COMMERCE,
Washington 25, January 26, 1954.

HON. JOHN W. BRICKER,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request of July 24, 1953, for the views of this Department with respect to S. 2453, a bill to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship.

The bill consists of a series of amendments to the Communications Act of 1934, primarily for conforming the domestic legislation to the provisions of the International Convention for Safety of Life at Sea of 1948. That convention was approved for ratification by the Senate and proclaimed by the President on September 10, 1952. It became effective November 19, 1952.

On September 10, 1952, the President issued Executive Order No. 10402, effective immediately, providing for the enforcement of the convention by the Departments of State, Treasury (Coast Guard), Commerce (Weather Bureau), and the Federal Communications Commission.

The existing provisions of the act go beyond the convention requirements and the amendments contained in the bill likewise go beyond convention requirements. Several amendments reduce the tonnage of vessels for the purposes of applying provisions of law relating to radio installations, radio direction-finding equipment, and the requirement for carrying qualified radio operators. Certain authorizations to waive requirements in section 1 of the bill are to be effective until January 1, 1954, an ineffective date, since Congress did not reconvene until January 6, 1954. The waiver provision would be of value in the event a shortage of radiotelegraph operators develops. Similar legislation was enacted during World War II, but these statutes were repealed as of July 1, 1948.

The application of the radio installation and radio operator requirements to United States vessels in the 500 to 1,600 gross ton group navigating in open seas, substantially increases the number of United States vessels affected by the Communications Act of 1934.

The activities of this Department normally involve the larger vessels operating in international trade. These vessels are already capable of meeting the requirements proposed by the bill. This Department is not directly concerned in the problems which may arise in complying with the amendments to the act contained

in the proposed legislation. We do, however, suggest the following amendments for the purpose of clarification:

Page 2, lines 13 and 14, delete "January 1, 1954" and insert "November 19, 1954", the date for similar authority provided at page 3, lines 7 and 8.

Page 6, line 3, "64" should be "364", an obvious typographical error.

Therefore, subject to your consideration of the foregoing amendments, the Department of Commerce has no objection to the enactment of S. 2453 by the Congress.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this letter to the committee.

If we can be of further assistance in this matter, please call on us.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, August 5, 1953.

CHAIRMAN, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
United States Senate.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of July 24, 1953, forwarding a copy of S. 2453, 83d Congress, 1st session, entitled "A bill to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship," and requesting the comments of this office on the proposed legislation.

This office has no first-hand information as to the necessity for or desirability of the proposed legislation and, accordingly, I have no comments or recommendations to make with regard to the enactment thereof.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

SEPTEMBER 10, 1953.

HON. JOHN W. BRICKER,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

MY DEAR SENATOR BRICKER: Further reference is made to a letter dated July 24, 1953, from the committee which enclosed a copy of S. 2453 and requested the Department's comments thereon.

The Department has studied S. 2453 carefully and can now advise that it sees no objection to the enactment of this legislation.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

THRUSTON B. MORTON,
*Assistant Secretary.
(For the Secretary of State.)*

OCTOBER 12, 1953.

HON. JOHN W. BRICKER,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 2453) to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship.

The purpose of the bill is to promote safety of life and property at sea through the use of wire and radio communications. The bill would require the installation of radiotelegraph and radiotelephone systems of communication aboard vessels presently covered by the Communications Act and would also extend the applicability of the act to certain types of vessels which are presently exempt therefrom. The bill would also establish certain requirements pertaining to the maintenance of radio watches aboard vessels equipped with such communication systems and the number of qualified radio operators that must be aboard such vessels.

Whether the bill should be enacted involves a question of policy concerning which this Department prefers to make no recommendation.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

TREASURY DEPARTMENT,
Washington 25, October 14, 1953.

HON. JOHN W. BRICKER,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to the letter of the former chairman of the Committee on Interstate and Foreign Commerce concerning the views of the Treasury Department on S. 2453, to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship.

The Treasury Department has no objection to the enactment of S. 2453.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D. C., December 8, 1953.

THE CHAIRMAN,
*Committee on Interstate and Foreign Commerce,
United States Senate, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: Your request for comment on the bill S. 2453, to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The purpose of this measure is to amend the Communications Act of 1934 to make its provisions consonant with those contained in the International Convention for the Safety of Life at Sea, 1948, to which the United States is a signatory power.

The provisions of S. 2453 do not directly affect ships of the Department of Defense, nor do they adversely affect the operations of the Military Sea Transportation Service.

In view of the foregoing, the Department of the Navy, on behalf of the Department of Defense, interposes no objection to the enactment of S. 2453.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report to the Congress.

Sincerely yours,

IRA H. NUNN,
*Rear Admiral, USN,
Judge Advocate General of the Navy
(For the Secretary of the Navy).*

FEDERAL COMMUNICATIONS COMMISSION,
July 10, 1953.

HON. CHARLES W. TOBEY,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR TOBEY: By letter dated March 5, 1953, the chairman submitted for the consideration of the Senate a series of proposed amendments to title III, part II of the Communications Act of 1934, as amended, which requires radio equipment and radio operators to be provided on board certain ships for safety

purposes. These proposed amendments were designed primarily to bring the provisions of the Communications Act more closely in line with the radio provisions of the new Safety of Life at Sea Convention (London, 1948) which was ratified by the Senate on April 20, 1949, and which came into force on November 19, 1952.

These proposals, if enacted, will represent the first general revision of the compulsory marine-radio provisions of the act in 16 years and should result in an overall increase in the safety of lives and property at sea. Additionally, such legislation by removing certain differences between title III, part II of the act and the safety convention, will greatly facilitate the execution by the Commission of its dual responsibilities in connection with administration of the act and the radio provisions of the safety convention.

The proposed legislation for the most part simply reflects, domestically, the 1948 radio provisions of the safety convention in whose formulation representatives of all interested non-Government groups participated. However, while the Commission is unaware of any substantial opposition on the part of the shipping industry to the adoption of the Commission's proposals, no bill to introduce this legislation has as yet been submitted. It is felt, therefore, that your committee may desire to secure further clarification of the purpose and details of the proposal. Accordingly, the following suggestions are made:

1. Commissioner E. M. Webster of the Commission has had extensive experience in both the preparation and enforcement of maritime radio safety legislation and treaties. In fact, Commissioner Webster was the Chairman of the Radio Committee at the 1948 Safety Convention. I have appointed the Commissioner to act as liaison with Congress in connection with the instant proposals and I suggest that you or members of your committee staff may wish to contact him for such assistance and information as may be desired.

2. The Commission's letter of March 5, 1953, also incorporated a proposal to amend section 353 (b) of the act with respect to the waiver of the existing requirement that operators on certain cargo vessels have 6 months' previous experience. This proposal, which is not related to the Safety of Life at Sea Convention, was included in our draft proposal along with our other proposals solely because the Commission felt that Congress might wish to consider all amendments to part II of title III of the Communications Act in one package. In view of the difficulties which have apparently arisen, however, it might be helpful if this amendment were to be made the subject of separate legislation in order to avoid any possible confusion with the proposals relating to the safety convention, the purpose of which necessarily differs from the proposed amendment to section 353 (b).

I would be happy to be informed of any further steps which it is considered that the Commission should take to expedite this matter.

Sincerely yours,

ROSEL H. HYDE, *Chairman.*

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., March 5, 1953.

The VICE PRESIDENT,
United States Senate, Washington, D. C.

DEAR MR. VICE PRESIDENT: The Commission wishes to submit at this time for the consideration of the Senate a series of proposed amendments to title III, part II of the Communications Act of 1934, as amended, which compels radio equipment and radio operators to be provided on board certain ships. These proposed amendments are designed primarily to bring the provisions of the Communications Act more closely in line with those radio provisions contained in the new Safety of Life at Sea Convention (London, 1948) which was ratified by the Senate on April 20, 1949, and which came into force on November 19, 1952.

Part II of title III of the Communications Act was enacted by Congress in 1937 as a result of the 1929 Safety of Life at Sea Convention, and the provisions in part II concerning radio equipment and radio operators on board ships are based in part on the radio requirements of the 1929 convention. In view of the coming into force of the new 1948 convention, the Commission believes that it is necessary to amend the Communications Act as set forth in the attached appendix II in order to accomplish the following purposes:

(a) Raise the compulsory radio requirements of title III, part II of the Communications Act to those of the 1948 convention.

(b) Provide exemption provisions (from the compulsory radio requirements of the Communications Act) more nearly in line with those of the 1948 convention.

(c) Remove a minor conflict between the Communications Act and the apparent intent of the 1948 convention by excluding from compliance with the compulsory

radio provisions of the Communications Act those convention country foreign ships which have been excepted from the radio requirements of the 1948 convention.

(d) Provide for the issuance of safety radiotelegraphy and safety radiotelephony certificates by the Commission.

(e) Provide in title III, part II of the Communications Act for the exercise by the Commission of authority with respect to lifeboat portable radio equipment.

In general, the radio provisions of the Safety of Life at Sea Convention apply only to certain classes of vessels of signatory countries engaged on international voyages except voyages solely on the Great Lakes. The radio provisions of the convention are, for the most part, self-executing with respect to such vessels in the sense that those requirements automatically became applicable to such vessels on November 19, 1952, and the Commission has the authority to promulgate regulations implementing these requirements without the necessity of further domestic legislation, pursuant to sections 303 (r) and 359 of the Communications Act. The provisions of title III, part II of the act, however, are such as to encompass two additional categories of vessels: (1) certain United States ships which are not engaged on international voyages but which sail in the open sea—generally those engaged on coastwise voyages; (2) certain foreign vessels of countries not parties to the 1929 or 1948 safety conventions which use United States ports. Amendment of the act will not affect the ships of countries which are parties to the 1929 convention but which have not ratified the 1948 convention until the United States denounces the 1929 convention and such denunciation becomes effective. Title III, part II of the act currently reflects radio requirements of the 1929 Safety Convention which are lower than those of the 1948 convention. Accordingly, in order to insure the application of the higher radio requirements of the 1948 Safety Convention to the two additional categories of vessels referred to above, the Communications Act should be amended to incorporate the new standards of the 1948 convention.

The primary differences between title III, part II and the 1948 convention safety radio standards in those areas where the standards in the convention exceed those contained in the act are listed in appendix I attached hereto. It is not anticipated that amendment of the Communications Act to raise its standards to those of the convention would place a substantial burden upon those United States ships complying with the existing provisions of title III, part II of the act. This conclusion is based upon the fact that the equipment on such ships now substantially meets the higher standards that would be imposed by the proposed modification of the act. Further, the majority of such ships are from time to time navigated on international voyages and will automatically be compelled to meet the higher standards of the 1948 convention upon its coming into force. In each case where the 1948 convention provides that enforcement of certain requirements may be deferred, similar provision is made in the proposed amendments to the Communications Act. However, with respect to cargo ships of the group between 500 and 1,600 gross tons, it is anticipated that a substantial burden may be imposed upon such ships by amending the act so as to subject them to the compulsory radio provisions. Vessels in this tonnage group are not normally navigated on international voyages. It is estimated that there are approximately 186 ships in this group. In anticipation of the fact that cargo ships in the 500 to 1,600 ton group may require some time to comply with the new requirements which would be imposed by the proposed amendment of the Communications Act, a clause has been included in the proposed modification which would allow the Commission, if necessary, to defer until January 1, 1954, the application of the radio requirements to such ships in this group which are not also subject to the radio requirements of the Safety Convention.

The existing provisions of the Communications Act with respect to exemption of ships from the radio requirements are patterned after those contained in the 1929 convention. The exemption provisions of the 1948 convention differ from those now contained in section 352 (b) of the Communications Act in several respects. The chief differences are as follows:

(a) The Communications Act flatly excludes from the Commission's exemption authority vessels which exceed a specified number of miles either as to length of voyage or distance from shore. The exemption provisions of the 1948 convention do not specify mileage but merely refer to length of voyage and distance of the ship from the shore as two of the elements to be considered in determining whether exemptions should be granted.

(b) The Communications Act has traditionally been interpreted to preclude the grant of either partial or conditional exemptions. The 1948 convention specifically

provides for the grant of "exemptions of a partial and/or conditional nature, or complete exemption * * *."

It is believed that from an administrative standpoint, the more flexible provisions of the 1948 convention are preferable to those currently contained in the act. Therefore, it is proposed that the exemption provisions of the Communications Act be modified to more nearly follow those of the 1948 convention.

There are several classes of vessels listed below which are excepted by regulation 3 of chapter I of the 1948 convention from complying with the convention regulations, which, with respect to foreign vessels, are not excepted under section 352 of the Communications Act unless they carry convention certificates. These classes of ships are:

(a) Ships not propelled by mechanical means (with respect to vessels within this class, the Communications Act excepts vessels in tow but does not except sailing ships)

(b) Wooden ships of primitive build.

(c) Pleasure yachts not engaged in trade. (The Communications Act excepts only yachts which are of less than 600 gross tons.)

(d) Fishing vessels.

Vessels excepted under the convention do not normally carry convention certificates. The Commission is of the opinion that the application of the provisions of title III, part II of the act to such vessels would be contrary to the apparent intent of the 1948 convention and that it would be desirable to amend the Communications Act to avoid the possibility of administrative difficulties in connection with this apparent conflict.

Section 359 (b) of the Communications Act now provides that all certificates concerning radio particulars provided for in any applicable safety convention shall be issued by the Commandant of the United States Coast Guard, although the inspection for the safety radiotelegraphy certificate required by the 1929 convention involves only the Commission. Some advantages would be gained in the expeditious issuance of certificates if the Commission issued convention certificates where it is the only agency involved in the inspection. Under the 1948 convention issuance of both safety radiotelegraphy and the new safety radiotelephony certificates will involve only Commission inspection. On the basis of informal discussions with the Coast Guard, the Commission believes that that agency is agreeable to the issuance of safety radiotelegraphy and safety radiotelephony certificates by the Commission. It is, therefore, proposed that the Communications Act be modified accordingly.

The 1948 convention contains a new requirement that certain ships carry lifeboat portable radio apparatus which is in addition to the present requirement in the 1929 convention that the motor lifeboats of passenger vessels be equipped with radio installations. Section 355 of the Communications Act provides that: "Every motor lifeboat, required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation under such rules and regulations as the Commission may find necessary to promote the safety of life."

It should be noted in connection with the foregoing provision that, although the motor lifeboat radio equipment requirement is made a part of the Communications Act, section 355 contemplates that such a requirement may originate elsewhere. As a matter of fact, the Coast Guard has traditionally exercised the authority to impose the lifeboat radio requirement in connection with its general jurisdiction over lifesaving appliances while the Commission has regulated the details of such equipment from the radio standpoint. The Commission proposes to amend section 355 of the act so as to include within its provisions lifeboat portable radio apparatus while continuing to make provision for the same pattern of responsibility as between the Commission and the Coast Guard. The latter matter has been informally coordinated with the Coast Guard.

In addition to the amendments proposed which concerned the Safety of Life at Sea Convention, we have incorporated in our proposed revision of part II of title III an amendment to section 353 (b) of the Communications Act which would authorize the Commission, during the existence of the present state of national emergency declared by the President on December 16, 1950, to waive or modify the requirement of section 353 (b) that a sole operator on board cargo ships, fitted with automatic alarms, must have 6 months' previous experience as a qualified radio operator aboard a ship of the United States.

In 1941, it became apparent that a shortage of qualified radiotelegraph operators who possessed the required 6 months' previous service was developing. Accord-

ingly, Congress, by the act of July 8, 1941 (55 Stat. 479), amended section 353 (b) by adding the following language to section 353 (b): "but during the emergency proclaimed by the President on September 8, 1939, to exist, but not after June 30, 1943, the aforesaid requirement of six months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than six months' duration."

By the act of June 22, 1943 (57 Stat. 161), the duration of this grant of discretionary power to the Commission was extended until "the termination of such emergency [proclaimed September 8, 1939] or such earlier date as Congress by concurrent resolution may designate."

By Senate Joint Resolution 123, enacted on July 25, 1947 (61 Stat. 451), which terminated war and emergency statutory provisions no longer considered essential, the Commission's waiver authority under section 353 (b) of the Communications Act was repealed effective July 1, 1948.

The amendment now proposed by the Commission is identical with the provision in existence during the last war, except for the reference to the existing emergency.

Following receipt of information that there was a serious shortage of radio operators necessary to man cargo ships, the Commission on April 4, 1951, adopted orders, copies of which are enclosed, amending its rules governing the issuance and renewal of commercial operator licenses. The normal requirements of section 13.28 of the rules that an operator must show 2 years of satisfactory service under the license being renewed or take a new examination were waived in view of the present emergency until further order of the Commission. The Commission likewise established, on a temporary basis, a new type of radio operator license designated "Temporary Limited Radiotelegraph Second-Class Operator License." The holder of such a license will be authorized to operate certain licensed radio equipment aboard ships only.

The Commission was authorized to take these steps to alleviate this situation pursuant to the power already vested in the Commission under section 303 (1) of the Communications Act to prescribe the qualifications of all radio station operators. However, in the absence of a specific legislative authorization, the Commission cannot modify or waive the specific requirement of section 353 (b) that a sole operator on board cargo ships, fitted with automatic alarms, must have 6 months' previous service aboard a ship of the United States. In view of the present emergency proclaimed by the President on December 16, 1950, and the apparent necessity for making as many radio operators available as possible so as to insure the movement of cargo ships, the Commission believes that section 353 (b) of the Communications Act should be amended.

In connection with its study of the steps which might be taken to make more radio operators available for sea duty, the Commission has been advised by several unions representing operators in this field that they are opposed to any such amendment to section 353 (b). The unions likewise opposed the similar amendment enacted in 1941 (hearings on H. R. 2074, Committee on Merchant Marine and Fisheries, House of Representatives, 77th Cong., 1st sess.) primarily on the basis that safety considerations required that sole operators be experienced operators. However, the Commission believes it should be emphasized that neither the previous similar amendment of section 353 (b) nor the one now proposed would automatically suspend the previous sea experience requirement but would only give the Commission authority to modify or suspend it for limited periods of time when it might appear that such action is necessary. The Commission, of course, recognizes the desirability of having experienced radiomen as operators aboard ships and is no more inclined to waive this requirement, except when necessary, than any other requirement of its rules designed to insure operators are duly qualified. But in times of national emergency, where experienced operators may not be available in sufficient numbers, it may well be contrary to public interest to prohibit the use of persons who, after examination, have secured operator's licenses otherwise entitling them to operate radio equipment on board ship. It may develop, as the unions have urged, that the actions already taken by the Commission to waive the service requirements for renewal of operator licenses and to establish a new class of licenses—usable on shipboard (TLT's, which incidentally are to be given only to persons who have previously taken an examination demonstrating their technical qualifications), will alleviate the current acute shortage of operators available for ship service. In that case, exercise of the power to waive the 6 months' experience requirement of section 353 (b) may never be necessary. The Commission believes, however, it would be advisable to amend section 353 (b) now to authorize the Commission to waive or

modify the specific 6 months' experience requirement so that it will be in a position to take immediate action thereunder whenever it may become necessary to do so. It might also be pointed out that vesting such discretionary authority in the Commission is in accordance with section 303 (1) of the act which authorizes the Commission "to prescribe the qualifications of station operators," section 353 (b) being the only section which places a legislative restriction on the qualifications of an operator, assuming citizenship eligibility to receive a license under section 303 (1).

The consideration by the Senate of the proposed amendments to part II of title III of the Communications Act will be greatly appreciated. The Commission will be most happy to furnish any additional information that may be desired by the Senate or by the committee to which these proposals are referred. The Bureau of the Budget has advised the Commission that it has no objection to the submission of these proposals.

By direction of the Commission.

PAUL A. WALKER, *Chairman.*

MAY 11, 1954.

HON. CHARLES E. POTTER,
*Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

MY DEAR SENATOR POTTER: In accordance with the verbal request of Mr. Nicholas Zapple of the staff of your committee, I have reviewed the committee print on S. 2453, to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship.

In connection with this review, I have particularly considered the amendment proposed on page 10 of the bill, concerning certain exemption certificates to be issued. Since, in my opinion, the amendatory language merely clarifies what was intended in the language of the bill as introduced, there is no reason for me to suppose that any change is necessary in the position of the Treasury Department, as contained in the letter of the Acting Secretary dated October 14, 1953.

Sincerely yours,

A. C. RICHMOND,
*Rear Admiral, United States Coast Guard,
Acting Commandant.*

EXPLANATION OF THE BILL BY SECTIONS

Section 1

This section proposes revisions of the existing sections 351, 352, and 353 which deal generally with radio installations, radio operators, radio watches, and auto alarms aboard vessels. Specifically the provisions are as follows:

Subsection (a) (1).—This subsection modifies section 351 (a) (1) of the act so as to provide that it shall be unlawful for any United States-flag vessel, except a cargo vessel of less than 500 gross tons, instead of less than 1,600 gross tons as now provided, to be navigated in the open sea outside a harbor or port, or for any United States-flag or foreign-flag vessel, except a cargo vessel of less than 500 gross tons, instead of less than 1,600 gross tons as now provided, to leave any United States port for a voyage in the open sea, unless such vessel is equipped with an efficient radio installation in charge of and operated by a qualified operator or operators. The proviso is added in this subsection so that the Federal Communications Commission may defer application of this subsection until not later than January 1, 1955, with respect to cargo vessels of between 500 to 1,600 gross tons which are not subject to the radio requirements of the Safety of Life at Sea Convention, 1948, when it is found impracticable to obtain or install equipment necessary for compliance therewith. The authorization to waive requirements of this subsection of the bill were not to

be effective until January 1, 1954, an ineffective date since Congress did not convene until January 6, 1954. The committee therefore has amended this date to read January 1, 1955.

The change in paragraph (1) of section 351 (a) of the act is designed to carry out the requirement contained in regulation 4, "Radiotelephone installation" of chapter IV, "Radiotelegraphy and radiotelephony," of the 1948 convention. Regulation 4 reads as follows:

Cargo ships of 500 tons gross tonnage and upward but less than 1,600 tons gross tonnage, unless fitted with a radiotelegraph installation complying with the provisions of regulations 9 and 10, shall, provided they are not exempted under regulation 6, be fitted with a radiotelephone installation complying with the provisions of regulation 15.

Regulation 6 provides that any signatory nation may, "if it considers that the route and conditions of the voyage are such as to render a radiotelephone installation unreasonable or unnecessary," exempt vessels belonging to it from the requirements of regulation 4. It should be noted that the amendment to section 351 (a) (1) would also apply to cargo ships not subject to the 1948 convention.

Subsection (a) (2).—This subsection amends section 351 (a) (2) of the act so as to provide that it shall be unlawful for any United States-flag vessel of 1,600 gross tons or over, instead of any passenger vessel only of 5,000 gross tons or over as now provided, to be navigated outside a port in the open sea, or for any such United States-flag or foreign-flag vessel to depart from a United States port for a voyage in the open sea, unless such a vessel is equipped with an efficient radio direction finder, approved by the Federal Communications Commission. A proviso is added to this subsection authorizing the Federal Communications Commission to defer application of the radio direction finder requirement with respect to vessels between 1,600 and 5,000 gross tons until not later than November 19, 1954, "if it is found impracticable to obtain or install such direction finding apparatus."

The change in paragraph (2) of section 351 (a) of the act is designed to implement regulation 12, "Direction-finding apparatus," of chapter V, "Safety of navigation," of the 1948 convention. Subsection (a) of regulation 12 reads as follows:

(a) All ships of 1,600 tons gross tonnage and upward, when engaged on international voyages, shall be fitted with direction-finding apparatus complying with the provisions of regulation 12 of chapter IV, but the provision of such apparatus on ships between 1,600 and 5,000 tons gross tonnage may be deferred for a period of 2 years from the date on which the present Convention comes into force if in the opinion of the Administration this is necessary.

Subsection (b).—Subsection (b) amends section 352 (a) (3) of the act so as to provide that the exception of certain vessels from the application of title III, part II, of the act shall extend to a foreign vessel belonging to a country "which is a party to any safety convention in force between the United States and that country," instead of simply "which is a party to the safety convention" as now provided, which vessel (1) carries a valid certificate exempting such vessel from the radio provisions of the convention, or (2) conforms to the radio requirements of such convention and has on board a certificate to that effect, or (3) is not subject to the radio provisions of any such convention.

The minor changes in paragraph 3 of section 352 (c) other than the addition of item (3) are for the purpose of clarification under the circumstances where more than one Safety Convention may be in

force as existed during the period November 19, 1952, to November 19, 1953, when, prior to denunciation of the 1929 Convention by the United States, both the 1929 and 1948 Safety Conventions were in force.

There are several classes of vessels listed below which are excepted by regulation 3 of chapter I of the 1948 Safety Convention from complying with Convention regulations. With respect to foreign vessels, these classes of vessels are not excepted under present section 352 (a) of the act unless such foreign ships carry Convention certificates. These classes of ships are:

(a) Ships not propelled by mechanical means (with respect to vessels within this class, the Communications Act at present excepts vessels in tow but does not except sailing ships).

(b) Wooden ships of primitive build.

(c) Pleasure yachts not engaged in trade. (The Communications Act at present excepts only yachts which are of less than 600 gross tons.)

(d) Fishing vessels.

Vessels excepted under the Convention are not required to carry Convention certificates, and, therefore, such ships would not be excepted from compliance with title III, part II, of the act by existing section 352 (b). The application of the compulsory radio requirements of title III, part II, of the act to foreign vessels which have been excepted from the radio requirements under the Convention would be contrary to the apparent intent of the 1948 Safety Convention. The purpose of the amendment is to eliminate this apparent conflict between title III, part II, of the act and the Convention.

Subsection (c).—Subsection (c) amends section 352 by adding a new subsection (c). In its original request, the Federal Communications Commission urged the committee to modify section 352 (b) of the act so as to conform to the exemption provisions of the 1948 Safety Convention. Amendment as requested would have eliminated the specific mileage limitations contained in existing section 352 (b) and would have expressly confirmed the Commission's authority to issue partial and conditional, as well as complete, exemptions. At conferences subsequent to the hearing before the committee, all parties agreed that the Commission needed increased administrative flexibility in granting certain types of exemptions provided by section 352 (b). The committee feels that the adoption of the language in subsection (c) as set forth in this bill will provide an appropriate increase in administrative flexibility by permitting the Federal Communications Commission to give consideration to requests for exemptions despite the normal mileage limitations of section 352 (b) in cases where unexpected equipment failures might impose inequitable hardships. By adding subsection (c), the committee is of the opinion that the Federal Communications Commission will be enabled to more fairly dispose of hardship cases without the necessity of eliminating completely the specific mileage criteria now included in section 352 (b). With respect to the matter of partial and conditional exemptions, it does not appear that a change in this regard is necessary since the Commission may continue to achieve the same results without further amendments in this regard.

Subsection (d) (a) amends section 353 (a) of the act so as to make clear that each cargo vessel required by part II to be equipped with a

"radiotelegraph installation," instead of simply a "radio installation" as now provided, and which is not fitted with an auto-alarm, and each passenger vessel required by part II to be fitted with a "radiotelegraph installation," instead of "radio installation" as at present, shall carry at least two qualified operators.

The amendment is necessary in order to make clear that section 353 (a) applies only to ships equipped with a radiotelegraph installation, and not those fitted with a radiotelephone installation.

Subsection (d) (b).—Subsection (d) (b) amends section 353 (b) of the act. The Commission in its original proposal requested that subsection 353 be amended so as to include a provision which would authorize the Federal Communications Commission during the emergency proclaimed by the President December 16, 1950, and not after the termination of such emergency or such earlier date that may be fixed by Congress to waive the 6-month service requirement for the radio operator required under section 353 (b). The Federal Communications Commission, in a letter to the committee, indicated that its original request to amend section 353 (b) with respect to the waiver of the existing requirements that operators on certain cargo vessels have 6 months previous experience is not related to the Safety of Life at Sea Convention and therefore not essential to be included in this bill (S. 2453). All the interested parties who participated in the various conferences agreed that such a provision should be the subject of separate legislation in order to avoid any possible confusion with the proposals relating to the Safety Convention. Accordingly, the committee has deleted this provision and proposes to introduce separate legislation in the very near future.

Subsection (d) (c).—Subsection (d) (c) is amended so as to make clear that each United States-flag vessel required by part II to be equipped with a "radiotelegraph installation," instead of "radio installation" as now provided, shall while at sea keep a continuous radio operator watch, except that on a cargo ship fitted with an autoalarm an 8-hour watch per day shall be maintained.

The amendment is necessary to make clear that the radio operator watch requirement provisions of section 353 (c) are intended to apply to vessels fitted with a radiotelegraph installation, as distinguished from those fitted with a radiotelephone installation.

The proposed amendment of section 353 (c) is in accord with the terminology designations used in regulation 7, "Watches—radiotelegraph," of chapter IV of the 1948 convention, subsection (a) (i) of which reads as follows:

(a) (i) Each ship which in accordance with regulation 3 is required to be fitted with a radiotelegraph installation shall, while at sea, carry at least one qualified operator and, if not fitted with an autoalarm, shall, subject to the provisions of paragraph (d) of this regulation, listen continuously on the radiotelegraph distress frequency in the medium frequency band by means of a qualified operator using some aural method.

Subsection (d) (d).—Subsection (d) (d) modifies section 353 (d) of the act so as to make clear that the Commission's authority, insofar as paragraph (d) is concerned, to prescribe particular hours of watch for safety purposes applies to United States-flag vessels required to be fitted with a "radiotelegraph installation," instead of "radio installation" as now provided.

Subsection (d) (e).—Subsection (d) (e) is the same as section 353 (e) of the act.

Section 2

Section 2 (a).—This subsection redesignated sections 354, 355, 356, 357, 358, 359, 360, 361, and 362 thereof as sections 355, 357, 358, 359, 360, 361, 362, 363, and 364 thereof, respectively.

Subsection (b).—Subsection (b) proposes a new subsection 354 (a) to the act which provides:

Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator who may be a member of the crew holding only a certificate for radiotelephony.

Subsection (b) proposes a new subsection 354 (b) to the act which provides:

(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission.

Subsection (c).—Subsection (c) amends the redesignated subsection 355 (a) (existing subsection 354 (a)) so as to provide that the radio installation shall comprise a main and an emergency or “reserve radiotelegraph installation,” instead of simply a main and an emergency or “reserve installation,” as now stipulated; except that in the case of an existing installation on a cargo ship and a new installation on a cargo ship between 500 and 1,600 gross tons if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must be provided.

This amendment would extend the provisions of the existing section 354 (a) to cargo vessels of 500 to 1,600 gross tons and require the installation of a separate emergency receiver.

The proposed amendment is designed to implement the following provisions of regulation 10, “Radiotelegraph installation,” of chapter IV of the Safety of Life at Sea Convention, 1948:

(a) Except as otherwise expressly provided in this regulation—

(i) The radiotelegraph installation shall comprise a main installation and an emergency (reserve) installation, electrically separate and electrically independent of each other.

(iv) The emergency (reserve) installation shall include an emergency transmitter, emergency receiver, and emergency source of energy.

(c) In the case of—

(i) existing installations on cargo ships, and

(ii) new installations on cargo ships of 500 tons gross tonnage and upward but less than 1,600 tons gross tonnage.

if the main transmitter and main source of energy comply with all the requirements for the emergency transmitter and the emergency source of energy, the latter are not obligatory.

Subsection (d).—Subsection (d) proposes a new section 356 to the act with subsections (a), (b), (c), and (d) to follow the redesignated section 355. This new subsection would permit cargo ships under 1,600 gross tons, in lieu of a radiotelegraph installation, to carry a radiotelephone installation meeting certain requirements. This provision is designed to implement regulation 4 of chapter IV of the 1948 Convention.

Section 356.—Section 356, when supplemented by the Commission’s rulemaking authority, is designed to carry out the following require-

ments set forth in regulation 15, "Radiotelephone installations," of chapter IV of the 1948 Convention:

(a) The ship's radiotelephone station shall be in the upper part of the ship, and, unless situated on the bridge, there shall be efficient communication with the bridge.

(b) The installation shall be capable of transmitting and receiving radiotelephony on the radiotelephone distress frequency and on at least one other frequency available for maritime radiotelephone stations in the medium frequency band under the radio regulations. In normal operation the depth of modulation shall be at least 70 percent at peak intensity.

(c) The transmitter shall have a minimum normal range of 150 miles, i. e., it shall be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range. (Clearly perceptible signals will normally be received if the R. M. S. value of the field strength produced at the receiver by the unmodulated carrier is at least 25 microvolts per meter.)¹

(d) The receiver shall have sufficient sensitivity to receive an incoming signal as low as 50 microvolts by means of a loudspeaker.

(e) While the ship is at sea, there shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c) of this regulation. If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least 6 hours continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated.

(f) While at sea the batteries (if provided) shall be kept charged so as to meet the requirement of paragraph (e) of this regulation.

Subsection (e).—Subsection (e) amends the redesignated section 357 of the act (existing sec. 355) so as to provide that every vessel required to be equipped with a lifeboat radio by treaty, law, or regulation made in conformity with a treaty, convention, or law shall be fitted with an efficient radio equipment, appropriate to such requirement. The term "radio equipment" would include portable as well as nonportable apparatus. The present section 355 now provides that motor lifeboats required by treaty or convention or law or implementing regulation to be equipped with radio shall be fitted with a radio installation.

These proposed amendments to section 357 (now sec. 355) are for the purpose of carrying out the provisions of regulation 13, "Lifeboat portable radio apparatus," and regulation 25, "Radio apparatus and searchlights in motor lifeboats," of chapter III, "Lifesaving appliances, etc.," of the 1948 Convention. Regulation 13 reads as follows:

(a) Ships carrying less than 20 lifeboats shall be provided with an approved portable radiotelegraph apparatus complying with the requirements set out in regulation 14 of chapter IV. All this equipment shall be kept together in the chart room or other suitable place ready to be moved to one or other of the lifeboats in the event of an emergency.

(b) In the case of ships engaged on voyages of such duration that, in the opinion of the Administration, lifeboat portable radio apparatus is unnecessary, the Administration may allow such equipment to be dispensed with.

Regulation 25 (a) and (b) reads as follows:

(a) Every motor lifeboat of class A, required to be carried in compliance with paragraphs (a) and (b) of regulation 8, must be fitted with a radiotelegraph installation complying with the requirements set out in this regulation and in regulation 13 of chapter IV, and also with a searchlight complying with paragraph (f) of this regulation.

(b) The radio installation shall be installed in a cabin large enough to accommodate both the equipment and the person using it.

¹ In the absence of field strength measurements it may be assumed that this range will be obtained by a power in the aerial of 15 watts (unmodulated carrier) with an aerial efficiency of 27 percent.

This proposed amendment is intended to provide for the same pattern of responsibility between the Commission and Coast Guard with respect to both motor lifeboat and portable lifeboat radio equipment as is now provided by section 355 with respect to motor lifeboat radio equipment only.

Subsection (f).—Section 359 (b) (redesignated sec. 361 (b) by S. 2453) would be amended to provide that (1) certificates of compliance with the convention shall be issued “upon request to any vessel” subject to the convention, and (2) safety radiotelegraph certificates, and safety radiotelephony certificates, and exemption certificates concerning radio matters covered by the radiotelegraphy and radiotelephony certificates, shall be issued by the Federal Communications Commission, and all other certificates concerning radio particulars contemplated by the convention shall be issued by the Commandant of the Coast Guard, or whatever other agency is authorized by law so to do, upon request of the Federal Communications Commission. Should the holder of a certificate violate the radio provisions of the Safety Convention or the Communications Act of 1934, as amended, or Federal Communications Commission regulations, the Commission after hearing pursuant to law, would be authorized to modify or cancel a certificate issued by it, or, as now provided, request modification or cancellation of a certificate issued by the Coast Guard or some other agency upon request of the Federal Communications Commission, and the Coast Guard or such other agency is required to modify or cancel such certificate.

The proposed changes are intended to implement the provisions of regulation 11, “Issue of certificates,” and regulation 12, “Issue of certificate by another government,” of chapter I, “General provisions,” of the 1948 convention. Regulation 11 reads as follows:

(a) (i) A certificate called a safety certificate shall be issued after inspection and survey to a passenger ship which complies in an efficient manner with the requirements of chapters II, III, and IV and any other relevant requirements of the present regulations.

(ii) A certificate called a safety equipment certificate shall be issued after inspection to a cargo ship which complies in an efficient manner with the relevant requirements of chapters II and III and any other relevant requirements of the present regulations.

(iii) A certificate called a safety radiotelegraphy certificate shall be issued after inspection to a cargo ship, fitted with a radiotelegraph installation, which complies in an efficient manner with the requirements of chapter IV and any other relevant requirements of the present regulations.

(iv) A certificate called a safety radiotelephony certificate shall be issued after inspection to a cargo ship, fitted with a radiotelephone installation, which complies in an efficient manner with the requirements of chapter IV and any other relevant requirements of the present regulations.

(v) A certificate called an exemption certificate shall be issued to every ship to which exemption is granted by a contracting government under and in accordance with any of the provisions of the present regulations.

(vi) Safety certificates, safety equipment certificates, safety radiotelegraphy certificates, safety radiotelephony certificates, and exemption certificates shall be issued either by the government of the country in which the ship is registered or by any person or organization duly authorized by that government. In every case that government assumes full responsibility for the certificate.

(b) Notwithstanding any other provision of the present convention, any certificate issued under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1929, which is current when the present convention comes into force in respect of the administration by which the certificate is issued, shall remain valid until it expires under the terms of article 52 of the Convention of 1929.

Regulation 12 reads as follows:

A contracting government may, at the request of the administration, cause a ship to be surveyed, and, if satisfied that the requirements of the present regulations are complied with, issue certificates to the ship in accordance with the present regulations. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the government of the country in which the ship is registered, and it shall have the same force and receive the same recognition as a certificate issued under regulation 11.

The committee modified this subsection so that the Commission would have authority regarding exemption certificates which would parallel its authority regarding issuance of safety radiotelephony and safety radiotelegraphy certificates.

Section 3

This section adds two new definitions to the Communications Act of 1934, as amended.

Subsection (ee) would define "existing installation," as used in section 355 to mean—

an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to a date one year after the effective date of this subsection in the case of other ships subject to part II of title III of this Act.

The proposed amendment (ee) is intended to implement item (g) of regulation 2, "Definitions," of chapter IV of the 1948 convention, which reads as follows:

(g) An existing installation is one already installed on board a ship at the time the present Convention comes into force.

Subsection (ff) would define "new installation," as used in sections 355 and 356, to mean—

an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and, in the case of other ships subject to part II of title III of this Act, one which is installed subsequent to a date one year after the effective date of this subsection.

The proposed amendment to the act is intended to implement item (h) of regulation 2 of chapter IV of the convention, which reads as follows:

(h) A new installation is an installation which replaces an existing installation or one installed on a ship after the date on which the present Convention comes into force.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) * * * (dd) * * *

(ee) "*Existing installation*", as used in section 355 of this Act, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to a date one year after the effective date of this subsection in the case of other ships subject to part II of title III of this Act.

(ff) "New installation", as used in sections 355 and 356 of this Act, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and, in the case of other ships subject to part II of title III of this Act, one which is installed subsequent to a date one year after the effective date of this subsection.

PART II—RADIO EQUIPMENT AND RADIO OPERATORS ON BOARD SHIP

SHIP RADIO INSTALLATIONS AND OPERATIONS

SEC. 351. (a) Except as provided in section 352 hereof, it shall be unlawful—

(1) For any ship of the United States, other than a cargo ship of less than [sixteen] five hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than [sixteen] five hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition [;] in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act[;]: *Provided, That the Commission may defer the application of the provisions of this section for a period not beyond January 1, 1955, with respect to cargo ships of less than sixteen hundred gross tons not subject to the radio requirements of the Safety Convention when it is found impracticable to obtain or install equipment necessary for compliance therewith;*

(2) For any [passenger] ship of the United States of [five thousand] sixteen hundred gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction finder apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission[;]: *Provided, That the Commission may defer the application of the provisions of this section with respect to radio direction finding apparatus to a ship or ships between one thousand six hundred and five thousand gross tons for a period not beyond November 19, 1954, if it is found impracticable to obtain or install such direction finding apparatus.*

(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

SEC. 352. (a) The provisions of this part shall not apply to—

(3) A foreign ship belonging to a country which is a party to the Safety Convention in force between the United States and that country [and] which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect[;], or which ship is not subject to the radio provisions of any such Convention;

(c) *If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: Provided, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied.*

OPERATORS, WATCHES, AUTO-ALARM—RADIOTELEGRAPH EQUIPPED SHIPS

SEC. 353. (a) Each cargo ship required by this part to be fitted with a [radio] radiotelegraph installation and which is not fitted with an auto-alarm, and each passenger ship required by this part to be fitted with a [radio] radiotelegraph installation, shall, for safety purposes, carry at least two qualified operators.

(b) A cargo ship, required by this part to be fitted with a [radio] radiotelegraph installation, which is fitted with an auto-alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have

had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

(c) Each ship of the United States required by this part to be fitted with a **[radio]** radiotelegraph installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided, [however,]* That in lieu thereof, on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator.

(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States which is required by this part to be fitted with a **[radio]** radiotelegraph installation.

(e) On all ships of the United States fitted with an auto-alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch.

OPERATORS, WATCHES—RADIOTELEPHONE-EQUIPPED SHIPS

Sec. 354. (a) Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator who may be a member of the crew holding only a certificate for radio telephony.

(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission.

TECHNICAL REQUIREMENTS—RADIOTELEGRAPH EQUIPPED SHIPS

SEC. [354] 355. The radio installation and the radio direction**[.]**finding apparatus required by section 351 of this part shall comply with the following requirements:

(a) The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: Provided, [however,] That on a cargo ship, if the main installation complies also with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted. That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided.

* * * * *

TECHNICAL REQUIREMENTS—RADIOTELEPHONE-EQUIPPED SHIPS

Sec. 356. Cargo ships of less than sixteen hundred gross tons may, in lieu of the radiotelegraph installation prescribed by section 355, carry a radiotelephone installation meeting the following requirements:

(a) The ship's radiotelephone installation shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.

(b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies and with types of emissions designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

(c) The transmitter shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles.

(d) There shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c). If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six hours continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated.

LIFEBOATS

【SEC. 355. Every motor lifeboat, required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation under such rules and regulations as the Commission may find necessary to promote the safety of life.】

SEC. 357. Every ship required to be provided with lifeboat radio by treaty to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with efficient radio equipment appropriate to such requirement under such rules and regulations as the Commission may find necessary for safety of life. For purposes of this section, "radio equipment" shall include portable as well as nonportable apparatus.

CERTIFICATES

SEC. [359] 361 (a) * * *.

(b) Appropriate certificates concerning the radio particulars provided for in said convention shall be issued [to any vessel of the United States which is subject to the radio provisions of the safety convention and is found by the Commission to comply therewith. Such certificates shall be issued by the Commandant of the Coast Guard, or whatever other agency is authorized by law so to do, upon request of the Commission made after proper inspection or determination of the facts. If the holder of such certificate violates the provisions of the safety convention, or of this Act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the safety convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to request the modification or cancellation of such certificate. Upon receipt of such request the Commandant of the Coast Guard, or whatever other agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith. The Commission is authorized to issue, modify, or cancel such certificates in the event that no other agency is authorized to do so.] upon proper request to any vessel which is subject to the radio provisions of the Safety Convention and is found by the Commission to comply therewith. Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates, as prescribed by the said Convention, and Exemption Certificates issued in lieu of such certificates, shall be issued by the Commission. Other certificates concerning the radio particulars provided for in the said Convention shall be issued by the Commandant of the Coast Guard or whatever other agency is authorized by law to do so upon request of the Commission made after proper inspection or determination of the facts. If the holder of a certificate violates the radio provisions of the Safety Convention or the provisions of this Act, or the rules, regulations or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to modify or cancel a certificate which it has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith.

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